

ROBERT H. LAWSON

IBLA 80-176

Decided May 29, 1980

Appeal from decision of Wyoming State Office, Bureau of Land Management, holding the Duffy No. 1 through Duffy No. 5 mining claims abandoned and void. W-MC-94546 through W-MC-94550.

Reversed and remanded.

1. Federal Land Policy and Management Act of 1976:
Generally -- Federal Land Policy and Management Act of 1976: Recordation of Mining Claims and Abandonment --
Mining Claims: Recordation

Where a claimant timely files notices of location for recordation of his mining claims and submits a sketch map and narrative description of the location of the claims sufficient to locate the claimed lands on the ground, and identifies the claims by section, township, range, meridian, and state, he has met the requirements of section 314(b) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1744(b) (1976) and 43 CFR 3833.1-2(c)(5) and (6).

APPEARANCES: Robert H. Lawson, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Robert H. Lawson appeals from a decision of the Wyoming State Office, Bureau of Land Management (BLM), dated November 26, 1979, declaring the Duffy No. 1 through Duffy No. 5 mining claims abandoned and void.

These claims were located on May 17, 1979, and recorded on June 22, 1979. His notices of location for recordation were accompanied by a sketch map showing the relation of the claim to a country

road, fence lines and minor topographical features. He identified the claim by section, township, range, meridian, and state.

BLM informed appellant by letter that the notices of location were not complete because the description of the land did not describe the approximate location of all or any part of the claims or sites within a quarter section of a section or sections. BLM allowed appellant 30 days to submit the proper description. On July 5, 1979, appellant informed BLM that his claims were located near the center of the section and listed the following landmarks: the only fence corner, the only dam, the only well, the only road, and the only deep draw. BLM responded by letter of July 6, 1979, that this information was insufficient and gave appellant an additional 30 days from receipt of its letter to comply with its request. On July 12, 1979, appellant again attempted to describe the location without reference to a quarter section. On November 26, 1979, BLM declared appellant's claims abandoned and void for failure to provide BLM with the legal description, by quarter section, of the approximate location of all or any part of the claims within a 160-acre quadrant.

In his statement of reasons appellant contends that he has notified BLM of the "exact location and not just to a quarter Section."

[1] Section 314(b) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. § 1744(b) (1976) requires the owner of an unpatented mining claim located after October 21, 1976 to file in the office of the Bureau designated by the Secretary of the Interior a copy of the official record of the notice of location or certificate of location, including a description of the location of the mining claim sufficient to locate the claimed lands on the ground.

Regulation 43 CFR 3833.1-2(c) provides that the copy of the notice or certificate of location filed with BLM shall be supplemented by certain additional information. 43 CFR 3833.1-2(c)(5) and (6) require the following:

(5) For all claims or sites located on surveyed or unsurveyed lands, a description shall be furnished. This description shall recite, to the extent possible, the section(s), the approximate location of all or any part of the claim or site to within a 160 acre quadrant of the section (quarter section) or sections, if more than one is involved. In addition, there must be furnished the township, range, meridian and State obtained from an official survey plat or other U.S. Government map showing either the surveyed or protracted U.S. Government grid, whichever is applicable;

(6) For all claims or sites located on surveyed or unsurveyed land, either a topographic map published by the

U.S. Geological Survey on which there shall be depicted the location of the claim or site, or a narrative or sketch describing the claim or site with reference by appropriate tie to some topographic, hydrographic or manmade feature. Such map, narrative description or sketch shall set forth the boundaries and positions of the individual claim or site with such accuracy as will permit the authorized officer of the agency administering the lands or the mineral interests in such lands to identify and locate the claim on the ground. More than one claim or site may be shown on a single map or described in a single narrative or sketch if they are located in the same general area, so long as the individual claims or sites are clearly identified. [Emphasis added.]

We find that the information submitted by appellant provides a description of the location of the mining claim sufficient to locate the claimed lands on the ground as required by FLPMA, supra. With the information contained in the sketch map together with appellant's narrative description, we are left with little doubt as to the location of the claim. We find that such information is adequate to meet the requirements of 43 CFR 3833.1-2(c)(5) and (6).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is reversed and remanded to the State Office for action consistent with this opinion.

Anne Poindexter Lewis
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

James L. Burski
Administrative Judge

